IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Madugiri & Anr. v. Rajasthan State Road Transport Corpn. & Ors.

S.B.CIVIL WRIT PETITION NO.5425/1993
under Article 226 of the Constitution of India.

Date of Order : 5th January, 2006

P R E S E N T

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Vijay Mehta, for the petitioners.
Mr. B.S.Bhati, for the respondents.

BY THE COURT :

By this petition for writ the petitioners sought an appropriate writ, order or direction for respondent Rajasthan State Road Transport Corporation to allow pension to them. The petitioners have also given challenge to the computation made by the respondent Corporation with regard to their provident fund as communicated under the order dated 7.6.1993 with a direction to deposit the employers' contribution said to be paid erroneously to the petitioners.

It is contended by the petitioners that no part of the employers' contribution against provident fund was paid to them. It is also contended by the petitioners that they opted for pension but for totally on wrong pretext the respondents did not allow it to them.

This Court by an order dated 15.9.2005 got the provident fund account of the petitioners examined by the accountant of this Court at Jaipur. The accountant examined the entire record and submitted his report to this Court on 29.9.2005. The counsel for the petitioners from the statements showing the position of contributory provident fund balance and employers' contribution pertaining to the petitioners tried to point out that no employers contribution was paid to the petitioners and, therefore, direction to refund the same under the impugned order is erroneous.

The Manager (Finance), Rajasthan State Road Corporation, Abu Road also submitted a statement of tentative pension payable to the petitioners if they refund the provident fund drawn by them in excess. From perusal of of the statement given by the Manager (Finance), Rajasthan State Road Transport Corporation, Abu Road it appears that by treating 31.1.1992 as date of retirement for petitioner Madugiri he shall be entitled for receiving a sum of Rs.4,09,976/- (tentative) as the arrears against pension and

petitioner Yakub Khan shall be entitled for arrears tentatively in the tune of Rs.3,09,385/- by taking 31.1.1991 as his date of retirement.

Learned counsel for the petitioners states that in event the respondent Corporation accept option of the petitioners for grant of pension and adjust whatever excess amount with regard to provident fund from the arrears which may accrue against pension required to be granted, then he will not press the other prayers in the petition except than to grant of pension.

The statement given by counsel for the petitioners appears to be just in view of the fact that the petitioners are quite old persons and in event the respondents adjust the provident fund amount due from their pension arrears then without entering into the complicated computation of provident fund account the grievance of the petitioners can be redressed.

Accordingly this petition for writ is disposed of with a direction to the respondent Rajasthan State Road Transport Corporation to accept the option submitted by the petitioners with regard to grant of pension and then the same be allowed to them by deducting the amount of excess provident fund with interest which is said to be granted earlier. The

respondent Corporation shall complete all formalities with regard to grant of pension and deduction of excess provident fund amount said to be paid to the petitioners within a period of four months from the date the petitioners submit a certified copy of this order to the respondent No.3 alongwith a representation for acceptance of pension in terms of this order.

No order as to costs.

(GOVIND MATHUR),J.

kkm/ps.